

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH JACKSON,

Plaintiff,

Case No.: 18-CV-3007

NASSAU COUNTY; THE INCORPORATED VILLAGE
OF FREEPORT; DETECTIVE ROBERT DEMPSEY;
DETECTIVE GARY ABBONDANDELO; DETECTIVE
JOHN M. HOLLAND; DETECTIVE MICHAEL HERTS;
DETECTIVE MARTIN ALGER; DETECTIVE
ANTHONY SORRENTINO; DETECTIVE DAVID L.
ZIMMER; POLICE OFFICER MELENDEZ;
LIEUTENANT BURDETT; SERGEANT MCHALE;
SERGEANT NOLL; DETECTIVE SHARKEY; POLICE
OFFICER DOWDELL; POLICE OFFICER BARRY
MCGOVERN; DETECTIVE TURNER; DETECTIVE
EDWARD HAGGERTY; POLICE OFFICER HALL;
DETECTIVE LAURETTE KEMP; DETECTIVE
WILLIAM TWEEDY; DETECTIVE ANTHONY KOSIER;
DETECTIVE SERGEANT DAN SEVERIN; DETECTIVE
JERL MULLEN; THE ESTATE OF DETECTIVE JERL
MULLEN; JOHN DOE, AS THE ADMINISTRATOR OF
THE ESTATE OF JERL MULLEN, and JOHN and JANE
DOE 1 through 20,

**DECLARATION IN
SUPPORT**

Defendants.

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KEITH M. CORBETT, declares the following under penalties of perjury:

1. I am a member of Harris Beach PLLC, attorneys for The Incorporated Village of Freeport, Detective David L. Zimmer, Police Officer Melendez, Lieutenant Burdette, Sergeant McHale, Sergeant Noll, Police Officer Barry McGovern, Detective Turner, Detective Edward Haggerty, Detective Sharkey, Detective Jerl Mullen, and Police Officer Hall (hereinafter “Village Defendants”). I am fully familiar with the facts and circumstances set forth below.

2. I submit this declaration in support of the Village Defendants’ motion to dismiss Joseph Jackson’s (“Plaintiff”) Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(5) and (6),

together with such other and further relief as the Court deems just, proper, and equitable. As set forth in the accompanying memorandum of law, submitted herewith, along with the Affidavit of Defendant Detective Edward Haggerty and the Affidavit of Miguel Bermudez, Plaintiff's complaint should be dismissed in its entirety because: (1) Plaintiff failed to retain jurisdiction over the Village Defendants; (2) Plaintiff fails to state a claim against the Village Defendants, as the Village Defendants were not involved in the crux of the allegations contained in the Amended Complaint; (3) Plaintiff fails to make any allegations of personal involvement by the Village Defendants, and thereby fails to state a claim under 42 U.S.C. § 1983; (4) The Village Defendants did not prosecute the Plaintiff and as such, Plaintiff fails to state a claim for malicious prosecution against the Village Defendants; and (5) the Village Defendants are entitled to qualified immunity.

3. On or about May 22, 2018, Plaintiff filed his complaint against, among other defendants, the Village Defendants. A copy of the filed complaint is attached hereto as "**Exhibit A.**"

4. On August 6, 2019, the Village Defendants interposed an Answer. A copy of the Answer is annexed hereto as **Exhibit "B."**

5. On or about January 16, 2019, this Court held a pre-motion conference, wherein this Court directed the parties to meet and confer for the purpose of limiting the number of claims and defendants in this litigation and issued a briefing schedule for motions.

6. On March 8, 2019, Plaintiff filed an Amended Complaint against the Incorporated Village of Freeport, Nassau County, and several individual defendants, having removed several individual defendants from the original complaint. Annexed as **Exhibit "C"** is a copy of the Amended Complaint.

7. I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 9, 2019

s/ Keith M. Corbett

Keith M. Corbett, Esq.